

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARLO STRASSHEIM,

Plaintiff,

vs.

ROBERT GAINES,

Defendant.

3:09-CV-00084-LRH-(VPC)

FEDERAL DEFENDANT'S
MOTION FOR EXTENSION
OF TIME TO FILE RESPONSE
TO COMPLAINT AND ORDER

Federal Defendant Robert Gaines, through his undersigned counsel, moves this Court for an Order extending the time within which he is required to file a responsive pleading to and including April 12, 2009. The basis for this motion is as follows:

1. This action was originally filed in the Small Claims Court of Reno Township, Washoe County, State of Nevada. The named defendant in this action is identified as Robert Gaines. Mr. Gaines is the Retirement and Survivors Disability Insurance supervisor with Reno Social Security Administration District Office 945.

2. On February 12, 2009, the federal defendant filed a Notice of Removal (#1) removing this action from the State Court to the Federal District Court.

3. Rule 81(c), Federal Rules of Civil Procedure, provides the time period to answer a complaint in a removed action. The time period provided is the later of twenty (20) days after service of the complaint or five (5) days after removal. However, the United States or a federal officer or agency would ordinarily be permitted a sixty (60) day response time pursuant to Rule

1 12(a)(2), Federal Rules of Civil Procedure.

2 4. At this time, it is not apparent when (or if) defendant Gaines was served with process in
3 connection with the State-Court Small-Claims action prior to removal. It is proposed and requested
4 that the time within which to file a response be extended to April 12, 2009 (without waiving the
5 defense of insufficiency of service of process), a date which is 60 days following the filing of the
6 Notice of Removal.

7 5. The usual sixty day response time is needed to adequately evaluate the allegations of the
8 small-claims complaint and to prepare a response to the complaint on behalf of the federal
9 defendant.

10 6. No prior request has been made for the relief requested herein.

11 Dated this 12th day of February, 2009.

12
13 Respectfully submitted,

14 GREGORY A. BROWER
15 United States Attorney

16
17 /s/ Holly A. Vance
18 HOLLY A. VANCE
Assistant United States Attorney

19
20
21 IT IS SO ORDERED:



22
23
24 DATED: February 27, 2009

25
26 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE